

REMARKS

Claims 1-7, 13-20, and 30-36 are pending in the instant application. All claims presently stand rejected. Claims 1, 2, 7, 14, and 20 are amended herein. Claims 8-12 and 21-29 are hereby cancelled without prejudice. Claims 30-36 are newly presented. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Drawings

Formalized drawings are submitted herewith.

Specification

Paragraph [0015] has been amended to cure a typographical error.

Claim Rejections – 35 U.S.C. § 112

Claims 7-12 and 20-22 stand rejected under 35 USC § 112, second paragraph, as being indefinite. Accordingly, claims 7 and 20 have been amended to address the Examiner's concerns.

Claim Rejections – 35 U.S.C. § 102

Independent claims 1 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Miyamoto et al. (US Pub. 2006/0031668 A1).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Independent Claim 1

Amended independent claim 1 now recites, in pertinent part,

...
parsing the plurality of data packets using a network protocol stack to receive the boot agent and the boot image during the pre-boot runtime, a

portion of the network protocol stack executed in a hardware entity of the processing system using one or more network protocol offload engines;
transferring the boot agent and the boot image into system memory of the processing system during the pre-boot runtime;
executing the boot agent;
branching into the boot image from the boot agent to initialize an operating system embedded within the boot image; and
executing the operating system.

Applicants respectfully submit that the cited prior art fails to disclose receiving a boot agent and a boot image during a pre-boot runtime using a network protocol offload engine, transferring the boot agent and boot image into system memory, executing the boot agent, branching into the boot image, and then executing an operating system embedded within the boot image.

Independent claim 1 has been amended to include the subject matter of now cancelled claim 9. Applicants note that the Examiner did not reject claim 9 under § 102 or § 103, and therefore Applicants assume the Examiner deemed this subject matter to be novel and nonobvious over the cited art.

Consequently, Miyamoto fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Accordingly, Applicants request that the instant §102 rejection of claim 1 be withdrawn.

Independent Claim 14

Amended independent claim 14 now recites, in pertinent part,

...
parsing the plurality of data packets using a network protocol stack to receive the boot agent and the boot image during a pre-boot runtime of the processing system, wherein a portion of the network protocol stack is executed in a hardware entity of the processing system using one or more network protocol offload engines;
transferring the plurality of data segments into system memory of the processing system during the pre-boot runtime;
executing the boot agent;
copying the boot image onto a data storage unit (“DSU”) of the processing system;
resetting the processing system; and
booting the processing system from the boot image copied to the DSU.

Applicants respectfully submit that the cited prior art fails to disclose receiving a boot agent and a boot image during a pre-boot runtime using a network protocol offload engine, executing the boot agent, copying the boot image onto a data storage unit, resetting the processing system, and then booting the processing system from the boot image.

Independent claim 14 has been amended to include the subject matter of now cancelled claim 21. Applicants note that the Examiner did not reject claim 21 under § 102 or § 103, and therefore Applicants assume the Examiner deemed this subject matter to be novel and nonobvious over the cited art.

Consequently, Miyamoto fails to disclose each and every element of claim 14, as required under M.P.E.P. § 2131. Accordingly, Applicants request that the instant §102 rejection of claim 14 be withdrawn. New Claim 32 includes similar novel and nonobvious subject matter as claim 14.

Claim Rejections – 35 U.S.C. § 103

Claims 2-8, 13, 15-20, and 23-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto in view of Boyd et al. (US Pub. 2004/0049600 A1).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

The dependent claims are novel and nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 and § 102 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice

of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.


CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: Aug. 16, 2006


Cory G. Claassen
Reg. No. 50,296
Phone: (206) 292-8600